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Deliver to: Laura M. Schillinger, USPTO Art Group: 2813
Facsimile No.: 703 872-9306 Date: May 10, 2005
From: Thinh V. Nguyen, Reg. No. 42,034
Our Docket No.: 42P11362D Number of pages 6 including this sheet.
Application No.: 10/774,166 Filing Date: 2/6/2004
Docket Due Date(s): 5/28/2005

Enclosed are the following documents:

☒ Amendment: Restriction (2 pgs)

☐ Appeal Brief (____ pgs)

☐ Application: _____
(____ pgs) w/cover & abstract

☐ Assignment & Cover Sheet (____ pgs)

☒ Certificate of Facsimile _____

☐ Continued Prosecution Application (CPA)

☐ Declaration & POA (____ pgs)

☐ Drawings: ____ sheets, ____ figures

☐ Extension of Time: _____

☒ Fee Transmittal (in duplicate)

☐ IDS & PTO/SB/08 (____ pgs)

☐ Other _____

☐ Issue Fee Transmittal

☐ Notice of Appeal

☐ Petition for: _____

☐ Request for Continued Examination (RCE)

☐ Reply Brief (____ pgs)

☐ Request & Certification Under 35 USC 122(b)(2)(B)(i)

☐ Request to Rescind Previous Nonpublication Request

☐ Response to Notice of Missing Parts & Formalities Letter

☐ Response to Written Opinion (____ pgs)

☐ Terminal Disclaimer

☐ Transmittal of Publication Fee Due

☒ Transmittal Letter

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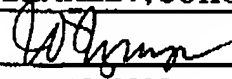
Tu T. Nguyen  5/10/2005
Date


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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application No.	10/774,166
		Filing Date	February 6, 2004
		First Named Inventor	Brian S. Doyle
		Art Unit	2813
		Examiner Name	Laura M. Schillinger
Total Number of Pages in This Submission	5	Attorney Docket Number	42P11362D

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; height: 60px; width: 100%;"></div>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or individual name	Thinh V. Nguyen, Reg. No. 42,034 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	May 10, 2005

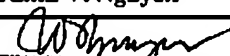
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Signature		Date	May 10, 2005

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FEE TRANSMITTAL for FY 2005 <small>Patent fees are subject to annual revision.</small>		<i>Complete If Known</i>	
		Application Number	10/774,166
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.		Filing Date	February 6, 2004
		First Named Inventor	Brian S. Doyle
		Examiner Name	Laura M. Schillinger
TOTAL AMOUNT OF PAYMENT		(\\$)	2813
		Attorney Docket No.	42PT1362D

METHOD OF PAYMENT (check all that apply)	
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account Deposit Account Number: <u>02-2666</u> Deposit Account Name: <u>Blakely, Sokoloff, Taylor & Zafman LLP</u>	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee	
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20. <input checked="" type="checkbox"/> Credit any overpayments	

FEE CALCULATION					
Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
2053	130	2053	130	Non-English specification	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
1809	790	1809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
Other fee (specify) _____					
SUBTOTAL (2)					(\\$)

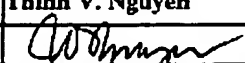
SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Thinh V. Nguyen	Registration No. (Attorney/Agent)	42,034
Signature		Telephone	(714) 557-3800
		Date	05/10/05

Based on PTO/SB/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (wtr) 12/15/2004.
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FEE TRANSMITTAL for FY 2005 <small>Patent fees are subject to annual revision.</small>		Complete if Known	
		Application Number	10/774,166
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.		Filing Date	February 6, 2004
		First Named Inventor	Brian S. Doyle
TOTAL AMOUNT OF PAYMENT (\$)		Examiner Name	Laura M. Schillinger
		Art Unit	2813
		Attorney Docket No.	42PT1362D

METHOD OF PAYMENT (check all that apply)	
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account Deposit Account Number: <u>02-2666</u> Deposit Account Name: <u>Blakely, Sokoloff, Taylor & Zafman LLP</u>	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
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1808	180	1806	180	Submission of Information Disclosure Stmt	
1809	790	1809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
Other fee (specify) _____					
SUBTOTAL (2) (\$)					

SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Thinh V. Nguyen	Registration No. (Attorney/Agent)	42,034
Signature		Telephone	(714) 557-3800
		Date	05/10/05

Based on PTO/SB/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (M) 12/16/2004
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Appl. No. 10/774,166
Amdt. Dated May 10, 2005
Reply to Office action of April 28, 2005

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application. No. : 10/774,166
Applicant : Brian S. Doyle
Filed : February 6, 2004
TC/A.U. : 2813
Examiner : Laura M. Schillinger

Confirmation No. 7314

Docket No. : 042390.P11362D
Customer No. : 8791

Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In the Office Action mailed April 28, 2005, the Examiner contends that Applicants claim two distinct species; namely, species 1 (claims 1-13) pertaining to a method including providing a first wafer, depositing an oxide, providing a second wafer, attaching the first and second wafers and heating, and species 2 (claims 20-25) pertaining to a method including forming a relaxed layer, a strained layer and an embitter region. Thus, pursuant to 35 U.S.C. 121, the Examiner requires Applicants to restrict the application to one of the alleged two inventions.

In compliance with 35 U.S.C. §121, Applicant elects species 1 (claims 1-13).

Appl. No. 10/774,166
Amdt. Dated May 10, 2005
Reply to Office action of April 28, 2005

Conclusion

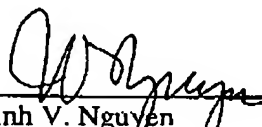
Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: May 10, 2005

By


Thinh V. Nguyen
Reg. No. 42,034

Tel.: (714) 557-3800 (Pacific Coast)

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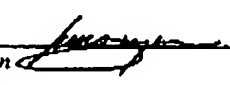
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May 10, 2005

Date